

# STRATEGY RESEARCH PROJECT

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## CRIMINAL ACTIVITY: THE FUTURE THREAT TO OUR NATION'S SECURITY

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SECURITY**

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## ABSTRACT

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The Cold War saw the threat of superpower conflagration end, and with it, the notion of traditional warfare. America now faces an entirely different enemy. An enemy who operates within and outside its borders. He uses the inner cities as his battleground and conducts warfare through criminal activity. His multi-ethnic numbers are growing, fed by the disparate have-nots. His organization mirrors the C<sup>3</sup> structure and global reach of the most successful international business enterprises. He readily uses the latest technological innovations to sustain his livelihood. The new world order allows him to carry on his activities relatively unencumbered. His future appears bright because he does not have an adversary who can counter him. Traditional means of coping with his criminal activity will likely be overwhelmed. This enemy has the ability of becoming our nation's primary security challenge. Sweeping changes in the way we conduct jurisdictional law enforcement must be made. A multilateral effort, cutting across law enforcement



jurisdictions, both nationally and internationally, to include the use of federal armed forces is required. A separate Unified Crime Control Agency should be created that integrates the various local, state, federal and Department of Defense agencies, which is linked to the U.N.



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*The life cycle of empires and individual nations involves genesis, exploration, accomplishment, expansion, then loss of courage, contraction, lost mobility and decline. I have never thought that we were exempt from that rule of destiny; this great and worthy nation that has built a new and better life for millions of citizens will also fade slowly and end as every previous empire has...*

*James A. Michener, This Noble Land<sup>1</sup>*

Is our country in decline, as James Michener suggests? If so, are the factors leading us down this path a lack of national courage, or a failure to deal with future threats? In this post-Cold War period, has America identified the true security threat that will emerge in the next century? America holds to such notions that in the short-term, rogue states such as Iran, Iraq, Libya and North Korea will constitute the national security threat, and in the long term, China will appear as its near-peer competitor. But there is a threat of even greater significance. One which creates such social chaos that it threatens the nation's very existence. America lumps it into one innocuous category and attempts to attack it by conventional means. It is called criminal activity. Internally, it is becoming a sophisticated, better organized, and more violent threat; externally, it is being imported at exponential rates by transnational criminal organizations. Indications are America is losing the battle in coping with this phenomena.

The line distinguishing criminal activity from an act of war is blurred. Criminal activity is viewed as an act committed by an individual against a member, or members, of a sovereignty in violation of a law or social norm. On the other hand, an act of war is an activity made by one nation-state that threatens the sovereignty or vital interest of another nation-state. The line distinguishing criminal activity from acts of war is no longer bound by conventional rules. For example, during Operation Just Cause, the removal of the Panamanian Defense Force is often associated with war, but the arrest, trial and subsequent incarceration of Manuel Noriega is associated with criminal activity. In



trial and subsequent incarceration of Manuel Noriega is associated with criminal activity. In Columbia, America is supporting law enforcement efforts to curb cartel criminal activity. These actions are being taken under the guise that drug importation threatens our national security, thus equating it to an act of war.

This line will become blurrier in the next century where the haves are gaining more, and the disparate have-nots are falling faster into the caldrons of economic, informational, and technological poverty. American society reflects this phenomena, just as the world at large does. These trends portend increased criminal activity that is more sophisticated, technologically based, and better organized at the local, state, national and international levels. Traditional means of coping with criminal activity will likely be overwhelmed and incapable of stemming its growth. This threat has the ability of becoming our nation's primary security challenge. The external, more conventional threat sowed by rogue nations and near-peer competitors will pale in comparison.

### **THE PROBLEM--THE MILITARY'S ROLE AND MONEY**

How we define and cope with criminal activity will determine our nation's long term survival. Conventionally, criminal activity is enforced by law enforcement officials: city police, county sheriffs, state police, and a host of federal agencies. The Posse Comitatus Act of 1878 precludes government from using federal armed forces to curb criminal activity. Because of the increasing lack of distinction between criminal activity and acts of war, we see our armed forces used more often as a tool for combating criminal activity, both domestically and abroad.



As America enters this period of increased criminal activity, resources earmarked to combat it will erode. Law enforcement agencies are losing the battle of the budget. Penal institutions operate at maximum capacity. Society is also becoming reluctant to pay the taxes required to boost undermanned law enforcement agencies, or to build new jails and prisons in their backyard. A new paradigm is required. Sweeping changes in the way we approach and conduct jurisdictional law enforcement must be made. Increasing military interventions, both domestically and abroad, in collaboration with law enforcement officials coping with criminal activity is the answer. However, because of the legal restrictions on the military, a revision of the Posse Comitatus Act is necessary. This revision would allow armed forces to be used in curbing criminal activity which constitutes a threat to the nation's sovereignty or its vital interests.

### **THE THREAT**

The 1995 crime statistics mask the seriousness of criminality in our country. In 1995, the crime index total of 13.9 million offenses represented the fourth consecutive annual decline: 1 percent lower than the 1994 total and 7 percent lower than the 1991 total. Violent crimes dropped 3 percent and in the eight U.S. cities with more than one million population, the decrease in the number of violent crimes was 8 percent. However, in comparison to the 1986 figures, there was a 5 percent increase over the last 10 year period.<sup>2</sup> Although these statistics show a decrease in the overall nationwide crime rate, they tend to hide the growth of youth involvement in crimes of violence and gangs; militias; international and transnational crime; and terrorism.



Violent crimes committed by youthful offenders are rising dramatically. U.S. Justice Department figures show juvenile arrests for violent crimes increased nearly 50% between 1988 and 1994. In 1994, juveniles accounted for nearly one-fifth of all violent crime arrests. Many experts believe the increase in juvenile crime is fueled by the growing influence of a culture ruled by weapons, drugs, and gangs. More and more young people grow up in poverty and single-parent households.<sup>3</sup> The breakdown of families and communities makes gangs a viable alternative to the nurturing previously provided by mothers and fathers. Gangs, fed by the enormous profits made in drugs, represent the greatest internal threat to the nation.

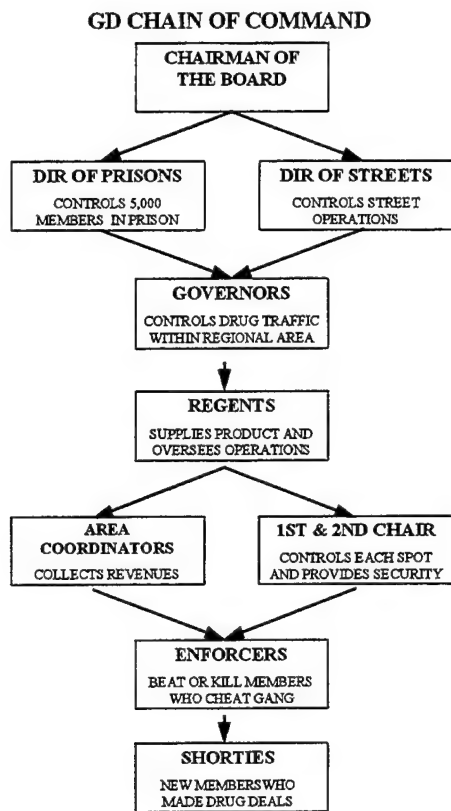
Gangs are a growth industry. In his report *Gangs 2000*, California Attorney General Daniel E. Lungren states:

Criminal street gang members are terrorizing communities throughout California where the viciousness of the gangs have taken away many of the public's individual freedoms. In some parts of the state, gang members completely control the community where they live and commit their violent crimes. Gang members have demonstrated a total disregard for human life, and they were responsible for killing and wounding hundreds of people in California during 1991.<sup>4</sup>

Today, there are more gangs and gang members than ever before. They are better organized and their members remain active longer. The Gangster Disciples (GD) are perhaps one of the best examples.

This national gang has an estimated 50,000 members and operates in 35 states. Their hierarchy is designed to market illegal drugs. The GD Chain of Command illustrates the increased level of organizational sophistication gangs exhibit today.<sup>5</sup>





**Figure 1**

tons in 1994 to 98 tons in 1995. With regard to the other drug of choice, heroin, the statistics are even more alarming. Growers cultivated enough opium to produce 415 tons of heroin in 1995, up from 340 tons in 1994. Worldwide heroin seizures grew from 24 tons in 1994 to 32 tons in 1995. America consumes about 11 tons a year.<sup>6</sup>

A distinct variation from gangs are militias. Their growth has been equally as rapid, with new units appearing on a weekly basis. It is speculated that many of these armed militias are the militant wing of the Patriot movement. This right-wing populist movement is composed of independent groups in many states. These groups are unified around the theme that government is increasingly tyrannical. The number of militia members ranges from 10,000 to 40,000. There is at least one militia active in some forty

Drugs are the nexus of gangs, and their abundance is increasing. Statistics from the Interagency National Narcotics Intelligence Consumer Committee reveal that worldwide cocaine production rose from approximately 760 tons in 1994 to 780 tons in 1995. Conversely, during the same period, worldwide seizures of cocaine dropped from 303 to 230 tons. In the U.S., cocaine seizures fell from 120



states. It is speculated militias are in the process of organizing in all fifty states.<sup>7</sup> These groups train in military tactics and their modus operandi is one of bombing and assassinations. The April 19, 1995, bombing of the Alfred P. Murrah Federal Building in Oklahoma City illustrates just how barbarous these groups are.

Finally, there is an international connection. Robert S. Gelbard, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, in testimony before the House International Relations Committee stated, "The growing phenomenon of transnational crime is a trend, which unchecked, can destroy the many remarkable advances around the world."<sup>8</sup> International criminal organizations are exporting their activities at an ever increasing rate and their coercive methods are inextricably linked to terrorism. L. Paul Bremer, III, former Ambassador-at-Large for Counterterrorism in the Reagan Administration stated:

Now in America we may be witnessing the emergence of a religious-ideological terrorism similar to the radical Iranian fundamentalism of 1979. To these terrorists, America is the Great Satan, the symbol of capitalist corruption, pornography and drugs. Whereas the secular terrorists of the 1980's hated America because of whom we supported, these thugs hate us for what we are. They seek not a shift in American policy but the destruction of American society.<sup>9</sup>

Terrorism, imported by transnational actors, represents the greatest external threat to our nation.

## **THE CURRENT PARADIGM AND THE DOMESTIC SPECTRUM OF CONFLICT**

Criminal activity flows along a spectrum. At the low end are individual criminal acts, continuing with organized, international and transnational criminal activity. At the



high end, depending on the severity and the sponsor of the criminal activity, our government may view the activity as threatening our nation's sovereignty or vital interest, thereby constituting an act of war.

Local, state and federal law enforcement agencies play a role in combating criminal activity along the entire spectrum. They are most effective in dealing with individual and organized criminal activity, and least effective in dealing with international and transnational crime. The military does not play a role in fighting individual crime, and its role in attacking organized,

international and transnational criminal activity is minuscule and peripheral, at best.

Individual criminal activity are those acts committed by a single individual who victimizes either another individual, a group of individuals, or society at large. Acts of individual criminal activity include offenses such as murder, rape, robbery, assault, burglary, arson, and the sale, use or distribution of controlled substances. Included in this category are individual violations of city, state and federal codes and statutes. Generally, the perpetrator's motive is individual and the aim is not to destabilize or overthrow the government, but to conduct criminal activity within the nation's social and political

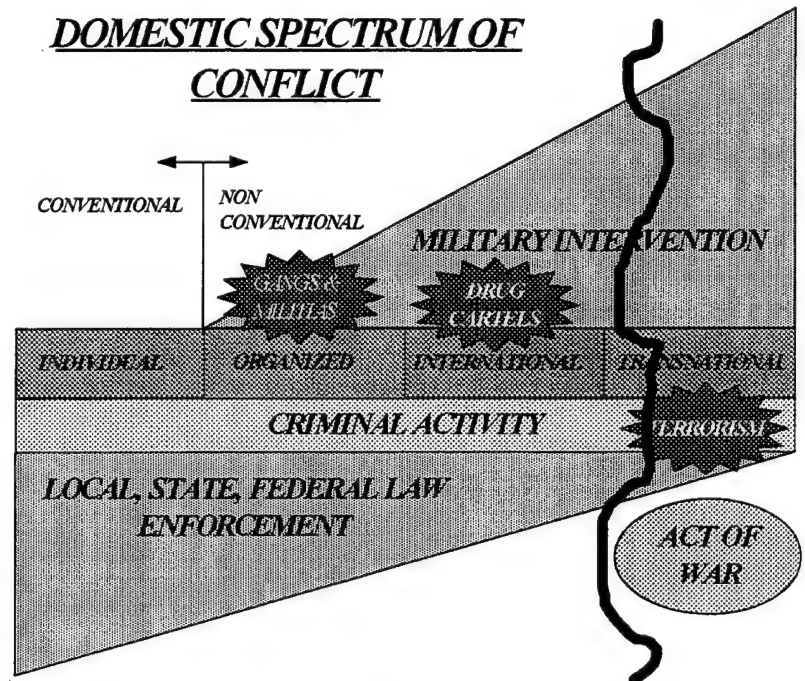


Figure 2



structure. Law enforcement's ability to cope with individual criminal activity is relatively easy. Individual criminal activity poses no serious threat to our nation's security. Examples of this type of criminal activity range from the benign misdemeanor of traffic violations to acts of mass murder.

Organized criminal activity are those acts committed by individuals with common criminal goals which victimize another individual, groups of individuals, or our society at large. Organized crime has a structure which endures over time. It is directed toward a common purpose by a recognizable leadership operating outside the law. It is quite often based on family or ethnic identity, and is prepared to use violence or other means to promote and protect common interests and objectives.<sup>10</sup> The most notorious example of organized criminal activity is the Mafia. Present day gangs and militias are patterning themselves after criminal organizations, and emerging in the organized crime culture.

Acts of organized criminal activity include the same categories as individual criminal activity, but the perpetrators' motives are linked to common goals associated with the organization. Trends also indicate organized criminal activity is increasing. For example, as previously noted, gangs and militias have increased in number and membership. The motives of gangs and militias may vary from self aggrandizement to overthrowing the government. However, both gangs and militias are becoming more sophisticated in structure. Their activities are being coordinated and conducted across state boundaries. "One militia official in South Dakota maintains contact with 900 militia units. Across the country, Patriots have challenged and intimidated local courts and law



enforcement officers, plotted to blow up federal buildings and spewed conspiracy theories of all sorts.”<sup>11</sup>

Organized crime poses a moderate threat to our nation’s security. Law enforcement response is multijurisdictional, geographically and hierarchically, and requires collaboration among the agencies. Because of the increased sophistication and lethality of the weapons used by these organizations, law enforcement is finding it difficult to combat this particular criminal activity. “Their use of weapons has evolved to high-powered, large-caliber handguns and automatic and semi-automatic weapons including AK-47 assault rifles and Mac-10s with multiple-round magazines; and they sometimes wear police-type body armor.”<sup>12</sup>

The importation of crime is the fastest growing category of criminal activity. More international criminal organizations are becoming involved in drug production and its export and importation. A lucrative market exists in America, due to the nation’s apparent insatiable desire for drugs and its open and expansive borders. By way of example, cocaine comes from South America via Mexico, heroine from Southeast and Southwest Asia, and methamphetamine from Mexico, all finding their way to American streets. International cartels produce bulk drugs, then wholesale them to organized gangs who distribute them to users. The drug network mirrors many international blue-chip companies in organizational structure and command, control, and communications (C<sup>3</sup>).

International criminal organizations differ from traditional criminal organizations in the scope of their operations. Traditional organized crime groups have their roots within individual countries. They may have overseas connections, but do not operate on



an international scale. Their organizations and operations are confined to a nation or region, and cities within those nations.

International criminal organizations engage in large-scale criminal activity across international boundaries. Such global networks take advantage of new technologies to enhance their mobility. They have a very effective communications' infrastructure, providing them with the flexibility to adapt quickly and creatively to law enforcement efforts. By operating in the international arena, crossing national boundaries at will, these organizations are often able to thwart traditional, jurisdictional-based law enforcement efforts. They easily adjust to changing law enforcement tactics in one country while exploiting gaps in collaborative, international law enforcement efforts in others.<sup>13</sup>

Generally speaking, international criminal activity seeks to work within a social and political structure. It is to their advantage to "work with" the present form of government, vice overthrowing it. The threat these international criminal organizations pose is the long-term effect such illegal activity has on the nation's economic productivity, and social, cultural and moral institutions.

International criminal organizations pose a moderate to high threat to the survival of our nation. The mature C<sup>3</sup> of these organizations, the circuitous routes their products take, combined with the sheer number of people involved exceeds current law enforcement resources. Law enforcement response is multijurisdictional, geographically and hierarchically, and requires collaboration among national and international agencies.

One of the emerging characteristics of international criminal organizations is the extent of their transnational links: their growing interconnectivity with other



transnational, nonstate actors. These linkages are diverse, and although in some cases weak, reflect a trend toward closer cooperative relationships. For instance, Colombian Cartels use drug organizations in Bolivia and Peru as regional subsidiaries and Mexican criminal organizations to traffic the product. The Mexican traffickers then transport the drugs through ports of entry in the U.S. and wholesale them to gangs such as the GD. The profits are then funneled to a number of illegitimate and legitimate organizations throughout the world.<sup>14</sup>

These contacts extend the operational range and capabilities of the cartels and other international criminal organizations. Additionally, they allow for an exchange of information on international law enforcement efforts and techniques for protecting illegal operations. Since these organizations endure over time, and exist for a purpose, they have the ability to learn from experiences and to use that knowledge to adjust to new circumstances and law enforcement tactics.

Another disturbing trend is the fact international criminal organizations are forging relationships with terrorist organizations. The criminal organizations receive armed protection; the terrorists receive money and exposure to the criminal organization's global connections; thereby enhancing access to weapons. These weapons, when used in a lethal and indiscriminate manner, have the ability to influence governmental activity.

Terrorist organizations brim with well trained zealots, working within a mature, sophisticated and disciplined C<sup>3</sup> structure, which is often underground. Weapons of mass destruction are available, often proffered by rogue states hostile to America. The



detonation of a well placed bomb, chemical or biological agent in a crowded passenger depot, office building or school in one of our nation's international cities would have a devastating impact.

This union between international criminal organizations and terrorists poses the greatest threat to our nation's security. Law enforcement's ability to control this threat is negligible. These criminal organizations are difficult to detect and often hide under the umbrella of a nation-state. "...These trends are making it easier for the terrorist and his supporters to move anywhere in the world with little chance of being apprehended or even identified."<sup>15</sup> Their aim is to disrupt and destroy America. Just as with the international criminal organizations, law enforcement response is multijurisdictional, geographically and hierarchically, and requires collaboration among national and international agencies. In the last twenty years, legislation has broadened the military's role considerably in this area.

### **THE MILITARY'S ROLE IN COMBATING CRIME**

The military's role in combating criminal activity has been peripheral and directed principally at counterdrug operations. The Posse Comitatus Act of 1878 precluded the military from directly or actively enforcing civil law. Not until 1981 did a change occur to Title 10, U.S. Code, reducing many restrictions of the Posse Comitatus Act and authorizing military support to drug law enforcement agencies in three broad areas. First, military equipment and facilities can be loaned to law enforcement agencies. Second, equipment used in monitoring and communicating the movement of air and sea traffic can be operated by military personnel. Third, in an overseas interdiction role, military



personnel can operate military equipment in support of law enforcement agencies only if the President declared an emergency existed.<sup>16</sup>

In 1986, under the umbrella of the National Narcotics Border Interdiction System, Operation Alliance, now called Joint Task Force 6, was initiated. The purpose of the operation was to foster interagency cooperation and interdict the flow of drugs, weapons, aliens, currency, and other contraband crossing America's Southwest border. This joint operation is still in existence today and coordinates the activities of 15 federal, state and local agencies, to include the Department of Defense (DoD) and the National Guard.<sup>17</sup>

The Anti-Drug Abuse Act of 1988, and the President's 1989 Drug Control Strategy, further defined the role of the military in narcotics interdiction. "Based on the foundations of the Anti-Drug Abuse Act and the President's Drug Control Strategy, U.S. international policy contained four elements: eradication of narcotics crops, interdiction and law enforcement activities in drug-producing and drug transiting countries, international cooperation, and sanctions."<sup>18</sup> In cooperation with other foreign governments and U.S. federal agencies, the DoD provided equipment and personnel to help carryout the President's international policy. For example, Colombia asked for help in controlling the Medellin and Cali Cartels. "The U.S. provided upwards of \$400 million in police, military, and advisory assistance over five years."<sup>19</sup>

The 1989 Defense Authorization Act tasked DoD to integrate the various U.S. C<sup>3</sup>I assets to monitor illegal drugs, enhance the National Guard's role in drug interdiction and enforcement operations, and to serve as the lead agency in detecting and monitoring the transportation of drugs into the U.S. Both the House and Senate versions of the act



would have given the military power to arrest the drug law violators. However, these provisions were killed in conference committee primarily because of opposition from the Pentagon, which hesitated to take on a direct policing mission.<sup>20</sup>

The 1991 Defense Authorization Act broadened military drug enforcement powers. It allowed the Pentagon to establish antidrug operation bases and training facilities. Military personnel organized schools and trained federal, state, and local law enforcement officers, and law enforcement officials from foreign governments. Additionally, the act authorized the military to begin aerial and ground antidrug reconnaissance near and outside U.S. borders.<sup>21</sup>

Presently, in the White House document, *National Security Strategy of Engagement and Enlargement*, one section addresses international criminal activity under the heading of "Counterterrorism, Fighting Drug Trafficking and Other Missions." In general terms, the military is mentioned as a principal force in combating both these criminal activities.<sup>22</sup> In the Chairman's complementary document, the *National Military Strategy*, one paragraph is devoted to counterdrug and counterterrorism which states:

The Armed Forces, working in close cooperation with law enforcement agencies, will use all means authorized by the President and Congress to halt the flow of illegal drugs into this country. We will also act both unilaterally and in concert with security partners to fight international terrorism.<sup>23</sup>

Neither document addresses the threat of domestic nor international crime to American society. Historically, DoD has held the position that non-traditional military missions, such as arresting drug violators, detracts from the principal purpose of the military, to fight and win the nation's wars. They "...are wary of entangling the armed



services in an open-ended task that isn't central to the primary mission of preparing to fight foreign enemies."<sup>24</sup>

Although the past twenty years of legislation clearly broadened the military's role in combating criminal activities, especially in terms of narcotics interdiction, the changes had little impact on stemming the growth and importation of international crime.

America has spent billions of dollars on the war on drugs since President Nixon made the declaration. The nation has federal agency representation in many of the producer countries. The armed forces are providing a host of surveillance and mobility assets to cooperative countries in order to stop the flow of illegal drugs. Although America has had a succession of major drug seizures, they pale in comparison to the amount of illegal narcotic tonnage that finally settles in the noses, lungs and blood streams of its citizens.

U.S. law enforcement officials and drug experts calculate the annual revenues from cocaine trafficking to be \$29 billion a year in the U.S. alone. This drug money is the lifeblood of cartels, necessary for the operation and growth of their vast black market. It is used to pay their private armies and assure the complacency, if not outright complicity, of the nations that shelter them.<sup>25</sup>

## **THE FUTURE**

The Domestic Spectrum of Conflict illustrates the roles traditional law enforcement and the military play in combating crime. If these roles are not reformed, the probable future criminal threat to America will be in four major categories: youth violence and the growth of gangs; militias; international and transnational criminal organizations; and terrorism.

Although individual crime appears to be stable, even declining, the inner cities are at war. The battle is waged by teens, and it will get bloodier.



More aggressive law enforcement has helped cut violent crime in many big cities, but homicide by youths under 17 tripled between 1984 and 1994 and a coming surge in teen population could boost the juvenile murder total 25 percent by 2005. Youth violence with guns has been increasing at roughly the same pace, and teen drug use is rising after years of decline.<sup>26</sup>

Violent youths are finding gangs as replacements for their dysfunctional families...a pseudo family of sorts with their own customs, traditions, and authority. Gangs will continue to recruit and increase in numbers. Gang activity is already evolving to interstate, vice intrastate. Organizationally, gangs are becoming more sophisticated. Gang activity in California serves as a national omen:

By the year 2000, there could be as many as 250,000 criminal street gang members in California. They will be prone to more violence than ever before, and the majority of their crimes will be predatory and, in many cases, vicious. A few gangs will evolve into organized crime groups, and many of the gang members will become career criminals.<sup>27</sup>

In contrast to gangs, militias will continue to grow as a counterforce to perceived societal liberalization and government control. In her article, *Saying it With a Gun*, Loretta Ross describes a future characterized by violent militia groups, headquartered in rural areas, conducting antigovernment activities in the urban areas.

Unless we treat the growth of the far right as a serious problem, enforce laws against paramilitary activity that are already on the books, and counter inflammatory rhetoric, the Oklahoma City Bombing may be seen by future generations as a beginning, not an end.<sup>28</sup>

In Roy Godson and William Olson's treatise *International Organized Crime*, they speculate that international criminal groups in the U.S. and worldwide will expand. This expansion is symptomatic with the new world order. They base this assessment on six key factors: economics of production, international ungovernability, immigration



streams, border porosity, trends in technology, and relative disorganization of law enforcement.<sup>29</sup>

The first factor, economics of production, deals with basic commerce. The supply of drugs is abundant and cheap. The demand is high. For economically deprived countries like Columbia or Peru, the growing and harvesting of the coca plant offers the only form of livelihood for small farmers. The same is true for Middle Eastern, and Southeast and Southwest Asian opium producers. Markets for other commodities are less profitable and relatively unstable. Drug cartels offer farmers income, stability and security. Demand for drugs in modernized countries has been increasing, which means continued huge profits. As long as the supply and demand schedule for cocaine and heroin remain the same, raw materials for drug production will continue to increase.<sup>30</sup>

The second factor, international ungovernability, means where governments are weak, international criminal organizations will thrive. "The growth of international crime parallels a global trend of ungovernability, that is, the declining ability of governments to govern, to manage a modern state, and to provide adequate or effective services."<sup>31</sup> States with weak central governments, or where state control has lapsed in whole or in part, breed criminal organizations that challenge legitimate political authority. Criminal organizations provide the major form of authority. For example, terrorist organizations train and operate in sparsely populated areas, where there is minimum control imposed by the government.

...Present and future terrorists and their supporters are acquiring the capabilities and freedom of action to operate in the new international jungle. They move in what has been called the "gray areas," those regions where control has shifted from legitimate governments to new half-political, half-criminal powers. In this environment the line between



state and rogue state, and rogue state and criminal enterprise, will be increasingly blurred. Each will seek out new and profitable targets through terrorism in an international order that is already under assault.<sup>32</sup>

These conditions provide criminal organizations operating bases and safe havens.

Experts predict continuing global fragmentation, further exacerbating the ability of governments to govern.<sup>33</sup>

The third factor, immigration streams, correlates immigration patterns and ethnic criminal organizations. "Between 1980 and 1990 the Asian population in the U.S. alone grew by 108 percent, from 3.5 million to 7.3 million."<sup>34</sup> With them came a well developed, criminal organization called the Chinese Triads. They have global reach and are based in Hong Kong. They have made their appearance in the U.S. and dominate the heroin market originating from Southeast Asia. Organizations like this exploit immigrant communities. The ethnic enclaves provide safe havens and pools of recruits. Because of their language and customs, law enforcement officials generally do not provide the same measure of services, which allows the criminal organization to operate relatively unencumbered. Experts are stating that they anticipate international organized criminal activity to mirror the increasing numbers of immigrants.<sup>35</sup>

The fourth factor, border porosity, deals with transnational actors and organizations, and how they relate to present international borders. The emergence of the European Union, free-trade areas such as the North American Free Trade Agreement, and other regional unions where existing safeguards such as customs inspections are reduced, add to the problem of border porosity. Porosity increases the access of international



criminal organizations' enterprises and compounds the ability of sovereign states to curtail them.<sup>36</sup>

The fifth factor, technology, is a key determinant in the growth of international and transnational crime. "Continued advances in technology and international transportation will facilitate growth in international organized crime."<sup>37</sup> Communication technology has made contact between criminal organizations easy and instantaneous, allowing the criminal organizations to plan against and thwart law enforcement efforts. Some criminal organizations have established web sites and plan their future activities through electronic mail. Their profits are moved globally through wire transfers making it virtually impossible for law enforcement to track. Most threatening, are the catastrophic consequences which may result from the criminal's access to modern weapon's technology. "A growing concern is that terrorists will cross the threshold to engage in acts of mass or super terrorism by using atomic, biological, and chemical weapons."<sup>38</sup>

The last factor, the relative disorganization of law enforcement, demonstrates the marginal ability of agencies to stem the growth of organized, international and transnational criminal activity. "...a U.S. Senate report noted that there is little evidence to suggest that either U.S. or foreign law enforcement entities are currently equipped to meet the challenge of this new breed of international criminal."<sup>39</sup> This new breed operates globally and in partnership with other criminals. "Already, there's a lot of contact among these groups, especially in drugs. You have the Russian mob in Europe



cutting deals with the Colombian Cartels. So there is going to be a multiethnic Mafia--- and it will be global.”<sup>40</sup>

The future paints a very different picture than that of the past. The Cold War saw the threat of superpower conflagration end, and with it, the notion of traditional warfare. Now America is faced with an entirely different enemy. An enemy who operates both within and outside of its borders. He uses the inner cities as his battleground and conducts his warfare through criminal activity. His multi-ethnic numbers are growing, fed by the disparate have-nots: violent teens from broken homes, disgruntled patriots tired of government controls, and religious and political fanatics seeking to end America's way of governing. His organization mirrors the C<sup>3</sup> structure and global reach of the most successful international business enterprises. This enemy readily uses the latest technological innovations to sustain his livelihood. The new world order allows him to carry on his activities relatively unencumbered. His future appears bright because he does not have an adversary who can counter him.

## **CONCLUSIONS & RECOMMENDATIONS**

Currently, law enforcement agencies have jurisdiction over all criminal activity within the country, even if the criminal activity is imported by international or transnational organizations. The military supports law enforcement efforts within the confines of current federal statutes. A multilateral effort, cutting across law enforcement jurisdictions, both nationally and internationally, to include the use of federal armed forces both internal and external to our borders is required. Ethan Nadelmann, in his book Cops Across Borders, states:



The Cold War vision of the United States as the world's policeman has yielded to a new post-Cold War vision, one that more closely aligns the ordinary citizen's notion of policing with U.S. involvement in international politics. This vision is dramatically less expensive than the former one, even if it increasingly invites the use of military force to deal with extraterritorial violations of U.S. laws.<sup>41</sup>

Both the American public and Congress are ready to embrace this concept. In

Mathea Falco's article *Passing Grades*, he states:

A survey last year by the Chicago Council on Foreign Relations found that 85 percent of the American public believes that stopping the flow of illegal drugs into the United States should be a very important foreign policy goal---ahead of protecting American jobs, preventing the spread of nuclear weapons, and reducing illegal immigration.<sup>42</sup>

Congressman Bill Zeliff, chairman of the House Government Reform and Oversight National Security, International Affairs and Criminal Justice Subcommittee, was quoted by the *Washington Post*, "We should use the military. It all boils down to: Do we want to declare war on drugs or don't we?"<sup>43</sup>

Lamond Tullis, in his book Handbook of Research on the Illicit Drug Traffic, devotes a chapter to drug demand reduction strategies which could serve as a base for countering all criminal activity imported from abroad. He perceives future law enforcement methods as inadequate in controlling illicit drug importation: "There is near consensus that existing law enforcement strategies and tactics are insufficiently successful in reducing demand."<sup>44</sup> Tullis identifies a number of options to include a unified command structure. This would place a single agency in control of the country's borders and integrate decisions related to fighting the drug war.<sup>45</sup>

Scott MacDonald and Bruce Zagaris support Tullis' position. In their book International Handbook on Drug Control, they argue, "...Policy options must be pursued



within the context of a comprehensive plan with a multilateral emphasis on implementation.”<sup>46</sup> They identify four options calling for multilateral unification among federal agencies. One option would increase the interdiction and enforcement activities to disrupt supply lines by expanding the role of the military. They note Congress has urged an expanded role for the military, but the Pentagon has been reluctant to follow. Furthermore, they want the United Nations (U.N.) to play a more active role in seeking international and regional cooperation and consultation on international narcotics control issues.<sup>47</sup> Although these citations center exclusively on the control of drugs, their strategies could be expanded to include attacking all international and transnational criminal activity.

The U.N. has taken a cautious lead in combating the drug trade. In 1988 the Vienna Drug Convention was held. The outcome of the convention was a law enforcement treaty signed by more than 100 countries. The treaty sets forth articles on the subjects of extradition, asset forfeiture, mutual legal assistance, cooperation between law enforcement agencies, control of precursor and essential chemicals and crop eradication. Additionally, the U.N. Committee on Crime Prevention Control has adopted a series of model treaties on international criminal cooperation.<sup>48</sup>

The Posse Comitatus Act must be reviewed and amended to allow for greater military participation in these efforts. America should redefine the use of military to cope with organized, international and transnational criminal organizations threatening the nation's security. In general, law enforcement should be focused on criminal activity within the borders, and the military should be focused on criminal activity imported from



abroad. Individual criminal activity would remain under the jurisdiction of law enforcement. But, criminal activity with an extraterritorial connection would fall under the multi-jurisdictions of law enforcement and the federal armed forces. A separate Unified Crime Control Agency would integrate the various local, state, federal and DoD agencies, with links to the U.N.

The Unified Crime Control Agency would strike at the very advantage criminal organizations have over the

current law enforcement

paradigm: the seams between

jurisdictions. It would make

transparent the jurisdictional

seams between agencies, afford

specialized equipment in

combating all levels of crime,

collate criminal intelligence at

the national and international level, synchronize responses to criminal activity, and work

under the auspices of the U.N. The Unified Crime Control Agency would serve as the

single point of contact for other international law enforcement agencies.

Our current and future Unified Command Plans should accommodate the military's expanded role. A subordinate command within the regional Commander and Chiefs' (CINC's) areas of responsibility would focus on criminal activities. Military to military contact, under the current Administration's strategy of engagement and

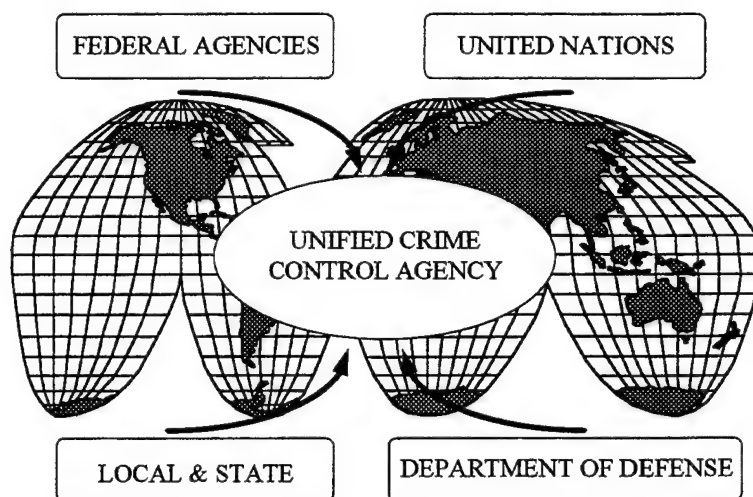


Figure 3



enlargement, would serve as the entree into the international crime control network. The full array of intelligence collection assets, and joint combat, combat support, and elite forces would be brought to bear against the criminal elements and their illicit activities.

The U.N. should broaden their scope to include all international and transnational crime. It could then serve as the legitimate source for international cooperation. International laws would be enforced by member states in collaboration with one another. States which are forced to host international or transnational criminal organizations could request assistance from member states, not only in attacking and arresting members of the criminal organizations themselves, but in developing and implementing strategies designed to reduce the likelihood of future criminal activities.

This paradigm shift would have a tremendous impact on curtailing criminal activity within the country and abroad. The time has come to understand the complexity and seriousness of the threat and the crisis that is evolving. The growth of criminal activity must be reversed and our nation's armed forces should play a significant role in shattering the sanctity international criminal organizations now enjoy.

*The times call for thinking afresh, for striving together and for creating new ways to overcome crises. This is because the different world that emerged when the cold war ceased is still a world not fully understood. The changed face of conflict today requires us to be perceptive, adaptive, creative and courageous, and to address simultaneously the immediate as well as the root causes of conflict, which all too often lie in the absence of economic opportunities and social inequities. Perhaps above all it requires a deeper commitment to cooperation and true multilateralism than humanity has ever achieved before.<sup>49</sup> ...Boutros-Boutros Ghali 1992*



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## ENDNOTES

- <sup>1</sup> James A. Michener, This Noble Land (New York: Random House, 1996), 239.
- <sup>2</sup> FBI National Press Office, "1995 Crime Statistics," 13 October 1996.  
<<http://www.fbi.gov/ucr/ucr95prs.htm>>. 1 November 1996.
- <sup>3</sup> Sarah Orrick, ed., "Juvenile Crime 1996-7, Policy Debate Topic," Congressional Digest, vol. 75, no. 8-9, Aug-Sep 1996, 193.
- <sup>4</sup> California Department of Justice, "Gangs 2000," March 1993.  
<<http://taren.ns.net/ag/gangs/gangs.htm#exec>>. 12 November 1996, 1.
- <sup>5</sup> John McCormick, "The Disciples of Drugs---And Death," Newsweek, vol. 127, 5 February 1996, 56.
- <sup>6</sup> Gordon Witkin, "Why This Country is Losing the Drug War," U.S. News and World Report, vol. 121, no. 11, 16 September 1996, 60.
- <sup>7</sup> Chip Berlet and Matthew N. Lyons, "A Militia Nation," The Progressive, vol. 59, no. 6, June 1995, 22-3.
- <sup>8</sup> Robert S. Gelbard, U.S. Department of State Dispatch, vol. 6, no. 50, 51, 52, December 1995, 924.
- <sup>9</sup> L. Paul Bremer, III, "The New Faces of Terrorism," New Perspective Quarterly, vol. 12, no. 3, Summer 1995, 7.
- <sup>10</sup> Roy Godson and William J. Olson, "International Organized Crime," Society, vol. 32, no. 2, January/February 1995, 22.
- <sup>11</sup> David Corn, "The New Minuteman," The Nation, vol. 262, no. 18, 6 May 1996.
- <sup>12</sup> California Department of Justice, 6.
- <sup>13</sup> Godson, 23.
- <sup>14</sup> *Ibid.*, 24.
- <sup>15</sup> The Terrorism Research Center, "Part 6, Future of Terrorism,"  
<<http://www.terrorism.com/terrorism/basics.html>>. 11 November 1996, 1.



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<sup>16</sup> James J. Tracey, "The Drug War: Are We Winning or Losing?" USAWC Strategic Research Project, June 1996, 3.

<sup>17</sup> Jose Palafox, "Militarizing the Border," Covert Action Quarterly, <<http://mediafilter.org/mff/caq/CAQ5border.html>>. 11 November 1996, 3.

<sup>18</sup> Raphael Francis Perl, "The United States," in International Handbook on Drug Control, ed. Scott B. MacDonald and Bruce Zagaris (Connecticut: Greenwood Press, 1992), 77.

<sup>19</sup> Godson, 18.

<sup>20</sup> Palafox, 3.

<sup>21</sup> *Ibid.*, 4.

<sup>22</sup> A National Security Strategy of Engagement and Enlargement, the White House, February 1996, 15.

<sup>23</sup> National Military Strategy of the United States of America 1995, the Joint Chiefs of Staff, 1995, 9.

<sup>24</sup> Jim McGee, "Military Seeks Balance in Delicate Mission: The Drug War," The Washington Post, 29 November 1996, A1.

<sup>25</sup> David A. Andelman, "The Drug Money Maze," Foreign Affairs, vol. 73, no. 4, July/August 1994, 94.

<sup>26</sup> Ted Gest and Victoria Pope, "Crime Time Bomb," U.S. News and World Report, vol. 120, no. 12, 25 March 1996, 29.

<sup>27</sup> California Department of Justice, 27.

<sup>28</sup> Loretta J. Ross, "Saying It With a Gun," The Progressive, vol. 59, no. 6, June 1995, 27.

<sup>29</sup> Godson, 28-29.

<sup>30</sup> *Ibid.*, 28.

<sup>31</sup> *Ibid.*, 29.

<sup>32</sup> Stephen Sloan, "Terrorism: How Vulnerable is the United States?" from "Terrorism: National Security Policy and the Home Front," ed., Stephen Pelletiere, The



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Strategic Studies Institute of the U.S. Army War College, May 1995,  
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<sup>33</sup> Godson, 29.

<sup>34</sup> Ibid., 29.

<sup>35</sup> Ibid., 29.

<sup>36</sup> Ibid., 29.

<sup>37</sup> Ibid., 29.

<sup>38</sup> Sloan, 3.

<sup>39</sup> Godson, 29.

<sup>40</sup> William Kleinknecht, "The Hottest Import: Crime," interview by Alvin P. Sandoff, U.S. News and World Report, vol. 121, no. 13, 30 September 1996, 49.

<sup>41</sup> Ethan Nadelmann, Cops Across the Border, (Pennsylvania: The Pennsylvania State University, 1993), 477.

<sup>42</sup> Mathea Falco, "Passing Grades," Foreign Affairs, vol. 74, no. 5, September/October, 1995, 17.

<sup>43</sup> McGee, A30.

<sup>44</sup> Lamond Tullis, Handbook of Research on the Illicit Drug Traffic, (Connecticut: Greenwood Press, 1991), 214.

<sup>45</sup> Ibid., 215.

<sup>46</sup> Perl, 78.

<sup>47</sup> Ibid., 79-83.

<sup>48</sup> Elizabeth Kingma, "The Emerging Regime of Asset Forfeiture," in International Handbook on Drug Control, ed. Scott B. MacDonald and Bruce Zagaris (Connecticut: Greenwood Press, 1992), 32.

<sup>49</sup> Boutros-Boutros Ghali, "An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peace-keeping," Report of the Secretary-General Pursuant to the Statement Adopted by the Summit Meeting of The Security Council on 31 January 1992.



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